

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

STATE OF NORTH DAKOTA, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
INTERIOR, *et al.*,

Defendants,

BADLANDS CONSERVATION
ALLIANCE, *et al.*,

Defendant-Intervenors,

and

CONSERVATION LANDS FOUNDATION,
et al.,

Defendant-Intervenors.

No. 1:24-cv-124-DMT-CRH

Hon. Daniel M. Traynor

JOINT STATUS REPORT

Defendants U.S. Department of the Interior *et al.*, Plaintiffs State of North Dakota *et al.*, Defendant-Intervenors Badlands Conservation Alliance *et al.*, and Defendant-Intervenors Conservation Lands Foundation *et al.* respectfully submit this joint status report in response to the Court's February 3, 2025 Order Granting Stay Motion, ECF No. 52. Federal Defendants request that the stay be extended by an additional sixty days to allow new administration officials to continue to evaluate the litigation and determine how they wish to proceed. No party opposes this request.

This case challenges the Conservation and Landscape Health Rule, 89 Fed. Reg. 40,308 (May 9, 2024) ("Public Lands Rule"). Plaintiffs allege that the U.S. Bureau of Land Management ("BLM") violated the Federal Land Policy and Management Act, Administrative

Procedure Act, National Environmental Policy Act, Congressional Review Act, and Mineral Leasing Act in promulgating the rule. *See* Compl., ECF No. 1. At Federal Defendants’ request, summary judgment briefing has been stayed. *See* Order Granting Stay Motion.

Courts have broad discretion to stay proceedings and to defer judicial review in the interest of justice and efficiency. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Air Line Pilots Ass’n v. Miller*, 523 U.S. 866, 879 n.6 (1998) (quoting *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936)); *see also* *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962); *Am. Petroleum Inst. v. EPA*, 683 F.3d 382, 388 (D.C. Cir. 2012) (premature and unnecessary judicial review “would hardly be sound stewardship of judicial resources”).

Federal Defendants report that due to the recent change in administration on January 20, 2025, there is new leadership at the Department of the Interior. Those new officials are in the process of familiarizing themselves with the Public Lands Rule and the litigation regarding the rule. In addition, Secretary’s Order 3418 directs Department of the Interior staff to review certain previously issued rules, including the Public Lands Rule, and take steps, as appropriate, to suspend, revise, or rescind such rules. *See* Secretary’s Order No. 3418 § 4.b., available at: <https://www.doi.gov/document-library/secretary-order/so-3418-unleashing-american-energy> (last visited Mar. 20, 2025). To allow further time for the Department of the Interior to conduct that review process, the government respectfully requests that the Court stay these proceedings for an additional sixty days. At the end of the sixty day period, the parties would file another status report indicating how the parties intend to proceed.

Respectfully submitted this 4th day of April 2025.

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

/s/ Luther L. Hajek
LUTHER L. HAJEK (CO Bar # 44303)
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
999 18th Street
South Terrace – Suite 370
Denver, CO 80202
Tel: (303) 844-1376 / Fax: (303) 844-1350
luke.hajek@usdoj.gov

Counsel for Defendants

DREW H. WRIGLEY
Attorney General

/s/ Philip Axt
PHILIP AXT
Solicitor General
600 E. Boulevard Ave., Dept. 125
Bismarck ND 58505
Phone: (701) 328-2595
Email: pjaxt@nd.gov

PAUL M. SEBY
Special Assistant Attorney General
1144 15th St, Suite 3300
Denver, CO 80202
Phone: (303) 572-6584
Email: sebyp@gtlaw.com

Counsel for State of North Dakota

AUSTIN KNUDSEN
Attorney General

/s/ Christian B. Corrigan
CHRISTIAN B. CORRIGAN
Solicitor General
PETER M. TORSTENSEN, JR.
Deputy Solicitor General
Montana Department of Justice
215 N. Sanders Street

RAÚL R. LABRADOR
Attorney General

/s/ Michael C. Orr
JOY M. VEGA
MICHAEL C. ORR
Deputy Attorneys General
Energy and Natural Resources Division
Office of the Attorney General
700 W. State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-2400
Email: joy.vega@ag.idaho.gov
Email: michael.orr@ag.idaho.gov

Counsel for State of Idaho

/s/ David Woodsmall
DAVID WOODSMALL*
Western Environmental Law Center
120 Shelton McMurphey Blvd., Suite 340
Eugene, OR 97401
Telephone: (971) 285-3632
woodsmall@westernlaw.org

BARBARA CHILLCOTT*
Western Environmental Law Center

Helena, MT 59601
Phone: (406) 444-2707
Email: Christian.Corrigan@mt.gov
Email: Peter.Torstensen@mt.gov

Counsel for State of Montana

103 Reeder's Alley
Helena, MT 59601
Telephone: (406) 430-3023
chillcott@westernlaw.org

ROSE RUSHING *
Western Environmental Law Center
208 Paseo Del Pueblo Sur #602
Taos, NM 87571
Telephone: (505) 278-9577
rushing@westernlaw.org

*Counsel for Intervenor-Defendants Badlands
Conservation Alliance, Center for Biological
Diversity, Citizens for a Healthy Community,
Diné Citizens Against Ruining Our
Environment, San Juan Citizens Alliance,
Sierra Club, and WildEarth Guardians*

/s/ Samantha R. Caravello

NATHANIEL H. HUNT
SAMANTHA R. CARAVELLO
Kaplan Kirsch LLP
1675 Broadway, Suite 2300
Denver, CO 80202
Telephone: (303) 825-7000
nhunt@kaplankirsch.com
scaravello@kaplankirsch.com

TODD C. TUCCI*
SARAH STELLBERG*
ANDREW HURSH*
Advocates for the West
P.O. Box 1612
Boise, ID 83702
Telephone: (208) 342-7024
ttucci@advocateswest.org
sstellberg@advocateswest.org
ahursh@advocateswest.org

*Counsel for Intervenor-Defendants
Conservation Lands Foundation,
Southern Utah Wilderness Alliance,
and The Wilderness Society*

* *Admitted Pro Hac Vice*